

DISCLOSURE DIVISION

☒ **WAIVER REQUEST**
☐ **ANSWER**
☐ **RECONSIDERATION REQUEST**
☐ **UNTIMELY**

DATE: 10/12/2020

DOCKET #: 2020-757

Ashley Wimberley, Director
Disclosure Division

FILER INFORMATION

Name: Mr. James Austin Gray, II
Address: 6051 Winchester Park Dr, New Orleans, LA 70128-2719
Office/Position: New Orleans City Council / District E / New Orleans / Orleans
Dates of Service: 2011-2018 (Final 2018)
Number of Disclosures and/or Amendments Filed with Agency: 14

REPORT INFORMATION

Name of Report: Tier 2 Annual Personal Financial Disclosure covering calendar year 2018 - Amendment
Report ID: PFD19007941
Original Due Date: 5/15/2019
Initial PFD Filed on: 5/15/2019
NOD-amend Received: 10/4/2019 - James Gray
Amendment/Answer Due Date based on NOD: 10/15/2019
Amendment/Answer Filed: 9/16/2020

LATE FEE INFORMATION

Amount of Late Fee: \$2500
Days late from receipt of NOD: 337
Total days late from initial due date: 490
Late Fee Order Received: 7/20/2020
Payment/Waiver Request Due Date: 8/10/2020
Waiver Request Received: 8/5/2020

COMMENTS:

James Gray, II, is seeking a waiver for failing to file his 2017 and 2018 Amended PFD timely. Mr. Gray stated he correctly provided his and his wife's income as required on the Schedule G form of his Tier 2 PFD. He stated that the income timely reported on the Schedule G, was not applicable to the Schedule F form, as he nor his wife received any income from the city or the state other than their salaries as a New Orleans Councilman and State Judge. In both cases, he selected the correct category for their salaries, so there was no need for the amendment. Mr. Gray said he did not recall receiving the Amendment Notice, although the signature on the Green Card appears to be his; He has no recollection of receiving that letter, nor does he know why he did not respond to the letter in a timely manner (he would not ignore a letter from the BOE). Mr. Gray asks the Ethics Board to waive his two \$2500 late fees as his initial filings were timely and were accurate to his knowledge.

OTHER LATE FEE INFORMATION

Disclosure Statements:

• Other Outstanding Statements: No
• Other Outstanding Late Fees: Yes - \$2500 -
2017

• Prior Late Fees: No
• Reassessed Late Fees: No

Campaign Finance:

• Outstanding Late Fees: Yes - 13
• Prior Late Fees: Yes - 6

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FILER INFORMATION

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Address: 6051 Winchester Park Dr., New Orleans, LA 70128-2719
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Dates of Service: 2011-2018 (Final 2018)
Number of Disclosures and/or Amendments Filed with Agency: 14

REPORT INFORMATION

Name of Report: Tier 2 Annual Personal Financial Disclosure covering calendar year 2017 - Amendment
Report ID: PFD19000598
Original Due Date: 5/15/2018
Initial PFD Filed on: 2/2/2019
NOD-amend Received: 10/4/2019 - James Gray
Amendment/Answer Due Date based on NOD: 10/15/2019
Amendment/Answer Filed: 9/16/2020

LATE FEE INFORMATION

Amount of Late Fee: \$2500
Days late from receipt of NOD: 337
Total days late from initial due date: 855
Late Fee Order Received: 7/20/2020
Payment/Waiver Request Due Date: 8/10/2020
Waiver Request Received: 8/5/2020

COMMENTS:

James Gray, II, is seeking a waiver for failing to file his 2017 and 2018 Amended PFD timely. Mr. Gray stated he correctly provided his and his wife's income as required on the Schedule G form of his Tier 2 PFD. He stated that the income timely reported on the Schedule G, was not applicable to the Schedule F form, as he nor his wife received any income from the city or the state other than their salaries as a New Orleans Councilman and State Judge. In both cases, he selected the correct category for their salaries, so there was no need for the amendment. Mr. Gray said he did not recall receiving the Amendment Notice, although the signature on the Green Card appears to be his; He has no recollection of receiving that letter, nor does he know why he did not respond to the letter in a timely manner (he would not ignore a letter from the BOE). Mr. Gray asks the Ethics Board to waive his two \$2500 late fees as his initial filings were timely and were accurate to his knowledge.

OTHER LATE FEE INFORMATION

Disclosure Statements:

• Other Outstanding Statements: No
• Other Outstanding Late Fees: Yes - 2018 -
\$2500

• Prior Late Fees: No
• Reassessed Late Fees: No

Campaign Finance:

• Outstanding Late Fees: Yes - 13
• Prior Late Fees: Yes -

6051 Winchester Park Drive
New Orleans, La 70128
504-628-3089
Nitsuaii@gmail.com
August 5, 2020

Ashley Wimberly
Louisiana Board of Ethics
P.O. Box 4368
Baton Rouge, Louisiana 70821

Re: Tier 2 Annual Personal Financial Disclosure Statement for 2017-Amendment
New Orleans City Council/ District E:
Late Fee Assessment – Report: PFD 19000598

ALSO

Tier 2 Annual Personal Financial Disclosure Statement for 2018-Amendment
New Orleans City Council/District E:
Late Fee Assessment-Report PFD 19007941

Dear Ashley Wimberly:

I am hereby requesting a waiver of the late fee in both referenced cases. I would like to appear before the Board of Ethics in connection with this request as it relates to both cases.

I have enclosed Schedule F and G from both filings that were timely filed. For both years in question the schedule F says that it does not apply. Neither my wife nor I received any income from the city or the state other than our salaries. In filling out the Schedule F, it would appear that by checking (Check if not applicable) that was all that was needed.

In both cases I timely filed a schedule G. That schedule properly reported that I was employed by the city of New Orleans as a City Councilman and that my wife was employed by the State of Louisiana as a Judge. In both cases I checked the category that our salaries fell into.

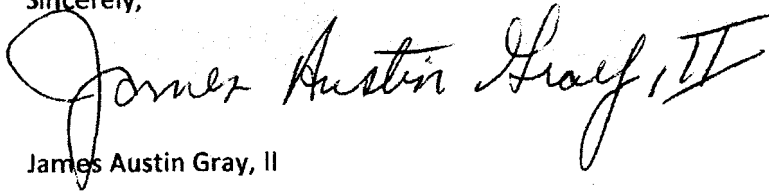
Even now as I examine the forms it appears that I included all the information that was required. Given that Schedule G appears to account for our salaries there was nothing else to report. By checking in the required space on Schedule F I was giving this information.

I am confused by the letter dated September 30, 2019. That I appear to have signed for on October 4, 2019. I have no recollection of receiving that letter. While the signature does not look

exactly like mine, I assume that I got the letter. But I don't remember getting the letter or my response. It would not be normal for me to just ignore the letter. I would have looked at the reports and said then what I am saying now. "This must be a mistake." I can not now explain my failure to respond. But even now my initial filings which were timely, appear to be complete and proper.

For the reasons stated herein I am requesting that a decision is made that I do not owe a fine for late or incomplete filing. Or in the alternative that the fine and late fees be waived.

Sincerely,

A handwritten signature in cursive script that reads "James Austin Gray, II". The signature is written in black ink and is positioned above the printed name.

James Austin Gray, II

Ashley Wimberley

From: Angela Newsom (ETHICS)
Sent: Wednesday, August 5, 2020 12:39 PM
To: Ashley Wimberley
Subject: FW: Request for waiver
Attachments: Letter requesting Waiver page 1.jpg; Letter requesting Waiver page 2.jpg; Schedule F 2017.jpg; Schedule G 2017.jpg; Schedule F 2018.jpg; Schedule G 2018.jpg

All of this is referencing PFD, not CF.

Angela Newsom, Division Director
Campaign Finance & Lobbying
Ethics Administration
P. O. Box 4368
Baton Rouge, LA 70821
225-219-5600
800-842-6630
225-381-7271 (fax)

From: James Gray <nitsuaii@gmail.com>
Sent: Wednesday, August 5, 2020 12:34 PM
To: Angela Newsom (ETHICS) <Angela.Newsom@LA.GOV>
Cc: James Gray <nitsuaii@gmail.com>
Subject: Request for waiver

EXTERNAL EMAIL: Please do not click on links or attachments unless you know the content is safe.

Attached are documents that I attempted to fax to you but I am not sure about the confirmation of the fax.

--

James A. Gray, II